

### REMARKS

Applicant respectfully requests reconsideration of the instant application on the basis of newly amended Claim 4 and new Claims 7 and 8. Claim 4 is the main claim and the remaining claims are directly or indirectly dependent upon that one.

The Examiner has rejected the claims as being unpatentable over U.S. Patent No. 4,760,307 by Howorth (*Howorth*) in view of U.S. Patent No. 5,023,511 by Phillips (*Phillips*), and further in view of U.S. Patent No. 5,078,774 by Thomas (*Thomas*). It is believed that Claims 4 to 8 are clearly distinguishable over these 3 references for the reasons that will be set forth.

Support for the amendment of Claim 4 and new Claims 7-8 is found in Figures 7 through 10 and 13-14 and the specification, paragraphs [0042] through [0049] and others. M.P.E.P. § 608.04 states that "the applicant may rely not only on the specification and drawing" to establish a disclosure.

### 35 U.S.C. § 102(b) Grounds for Rejection

The Examiner has principally rejected the claims as being anticipated by *Howorth*. It is believed that Claims 4 to 8 are clearly distinguishable over this reference for the reasons that will be set forth.

The *Howorth* reference describes an anti-glare input window as describe in the present application as an example of the prior art distinguished by the Applicant in the specification. Note that the input glass window blank is taught as having sloping sides and the exterior of the full blank is blackened. Since the upper surface 31 is flat and extends to the sloping sides,

removal of the blackening on the upper surface 31 leaves essentially no annular ring other than the depth of the blackening or coating.

Independent Claim 4 recites the following elements, the most pertinent to this discussion being presented in bold type for the convenience of the Examiner:

4. A faceplate for an image intensifier tube for reducing veiling glare, comprising:

a blackened blank of optical material of a desired glass composition having a shape that conforms substantially to a configuration of the faceplate to be produced includes processed opposing upper and bottom surfaces;

the processed upper surface of the glass blank being formed having a blackened ring about a light transmissive portion; **the light transmissive portion of the processed upper surface being formed by removal of a blackened step portion extending from the upper surface; and,**

the processed bottom surface having substantially all blackening removed creating a desired aperture through the glass blank through which aperture light may pass.

Since such "light transmissive portion of the processed upper surface being formed by removal of a blackened step portion extending from the upper surface" of the Applicant's invention as claimed are not disclosed or suggested by *Howorth*, Applicant suggests that the claimed structure of the present invention is neither identical to nor disclosed by the *Howorth* device. Therefore, *Howorth* cannot anticipate the present claimed invention.

Moreover, the allegedly prior art devices lack the functional characteristics of the claimed structure of the method claim in the present application. None of the cited devices have the light

transmissive portion of the processed upper surface having a blacked ring around the light transmissive portion. At best *Howorth* may have a blackened edge around the light transmissive upper surface 31.

Even if either the *Howorth* or other cited patents incidentally showed a similar arrangement of parts, if that arrangement is neither claimed nor designed to perform the function of the present invention, neither patent can act as an anticipation.

### 35 U.S.C. § 103 Grounds for Rejection

The Examiner also rejected Claims 4-6 under 35 U.S.C. § 103(a) as being unpatentable over *Howorth* in view of *Phillips*, and further in view of *Thomas*. Applicant respectfully traverses these rejections for the reasons discussed below.

Applicant's invention is directed toward minimizing internal reflections, which is a critical requirement of the cathode window assembly. However, prior art including that cited by the Examiner has not provided a single solution that meets all of the optical and mechanical design considerations. As shown in *Howorth*, windows with large stepped slopes tend to provide better formats for an aperture, but also lead to internal reflections degrading veiling glare performance. *See figures 11 and 12 of the present application*. Conversely widows with parallel faces tend to reduce internal reflections, but are highly restricted for design variations.

Even if one were to insert or substitute the form of the input window blanks of either *Phillips* or *Thomas* (and there is no suggestion of doing so in *Howorth*, *Phillips* or *Thomas*) in *Howorth's* glass input window, no step portion that is removed to expose a transmissive window portion is taught.

By this structure Applicant is able to achieve the advantages which have hitherto not been achievable through any adaptation of the prior art. It is therefore believed to be clear that the particular structure of Applicant is extremely important and is not a mere matter of design.

It is improper to use hindsight having read the Applicant's disclosure to "pick and choose" among isolated prior art references to disparage the claimed invention. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Even where an invention is, as a whole, fully disclosed by a combination of prior art elements, such elements cannot be combined to defeat a patent as obvious unless the art teaches or suggests the desirability of making the combination. ASC Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 221 U.S.P.Q. 929 (Fed. Cir. 1984). Thus, the mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 972 F.2d 1260, U.S.P.Q.2d 1780 (Fed. Cir. 1992). Finally, it is the invention as a whole that is important. Focusing on the obviousness of substitutions and differences, instead of on the invention as a whole, is a legally improper way to simplify the often difficult determination of obviousness. Gillette Co. v. S. C Johnson & Son, Inc., 919 F. 2d 720, 16 U.S.P.Q. 1923 (Fed. Cir. 1990).

Independent Claim 4, as amended, recites the following elements, the most pertinent to this discussion being presented in bold type for the convenience of the Examiner:

4. A faceplate for an image intensifier tube for reducing veiling glare, comprising:

a blackened blank of optical material of a desired glass composition having a shape that conforms substantially to a configuration of the faceplate to be produced includes processed opposing upper and bottom surfaces;

the processed upper surface of the glass blank being formed having a blackened ring about a light transmissive portion; **the light transmissive portion of the processed upper surface being formed by removal of a blackened step portion extending from the upper surface; and,**

the processed bottom surface having substantially all blackening removed creating a desired aperture through the glass blank through which aperture light may pass.

Applicant respectfully submits that the combination of *Howorth* with *Phillips* or *Thomas* does not disclose, teach, or suggest "the light transmissive portion of the processed upper surface being formed by removal of a blackened step portion extending from the upper surface" as recited by amended Claim 4. Therefore, Claim 4 is not obvious in light of the cited art and Applicant respectfully submits that this rejection should now be withdrawn.

It should also be noted that the *Howorth* reference has been available since 1988. Between that time and the present, no one except Applicant has constructed a light transmissive portion or window of the processed upper surface that is formed by removal of a blackened step portion extending from the upper surface. It is certainly believed to be pertinent that no-one has achieved or anticipated Applicant's structure despite the availability of the references for such a long time.

Dependent Claims 5-8 that depend from independent Claim 4 are also not made obvious by *Howorth* in view of *Phillips*, and further in view of *Thomas* because they include the limitations of Claim 4 and add additional elements that further distinguish the art. Therefore, Applicant respectfully requests that Claims 4-8 be allowed.

#### **New Claim**

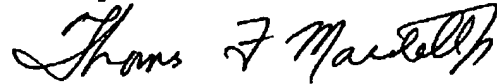
New Claims 7-8 are added to more fully claim the present invention. Claim 7 depends from Claim 4 and Claim 8 depends from dependent Claim 7. Accordingly, Applicant respectfully submits that Claims 7-8 are patentable because they includes all the limitations of Claim 4 and adds additional elements that further distinguish the art.

#### **Conclusion**

Applicant has now made an earnest attempt to place this case in condition for allowance. In light of the amendments and remarks set forth above, Applicant respectfully requests reconsideration and allowance of Claims 4-8.

If there are matters which can be discussed by telephone to further the prosecution of this Application, Applicant invites the Examiner to call the attorney at the number listed below at the Examiner's convenience.

Respectfully submitted,



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